

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

James Lee Stewart,

NO. C 07-04061 JW

Plaintiff,

**ORDER TO SHOW CAUSE RE:
DISMISSAL; VACATING CASE
MANAGEMENT CONFERENCE**

v.

Leland Stanford Junior University,

Defendant.

Plaintiff filed this action on August 8, 2007. (Docket Item No. 1.) The action was originally set for a Case Management Conference on November 21, 2007 before Magistrate Judge Richard Seeborg. Judge Seeborg continued the Case Management Conference to January 23, 2008 because Plaintiff had not served Defendant. (Docket Item No. 3.) The case was then reassigned, and the Case Management Conference was continued to February 11, 2008. (Docket Item No. 4.) The new deadline for filing a Joint Statement was February 1, 2008. As of February 7, 2008, Plaintiff still had not served Defendant. Accordingly, the Court **VACATES** the Case Management Conference currently set for **Monday, February 11, 2008 at 10 a.m.**

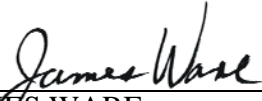
The Court hereby orders Plaintiff to appear in Courtroom No. 8, 4th Floor, United States District Court, 280 South First Street, San Jose, California on **Monday, February 25, 2008 at 9:00 a.m.** to show cause, if any, by actual appearance in Court, and by certification filed with the Court at least ten (10) days prior to appearance date, why this action should not be dismissed for lack of prosecution under Federal Rule of Civil Procedure 41(b). The certificate shall set forth a factual summary of the reasons why Defendant has not been served and Plaintiff's failure to otherwise

1 communicate with the Court, and what steps Plaintiff is taking to pursue the action, its present
2 status, and the expected future course of the action.

3 If Plaintiff fails to file the certification, the February 25, 2008 hearing will be vacated
4 automatically and the case will be dismissed with prejudice pursuant to Rule 41(b) Fed. R. Civ. Pro.

5 Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss
6 this action.

7
8 Dated: February 7, 2008



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Steven Daniel Zavodnick szavodnick@verizon.net

3 **Dated: February 7, 2008**

Richard W. Wieking, Clerk

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5 **By: /s/ JW Chambers**
6 **Elizabeth Garcia**
7 **Courtroom Deputy**
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